

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

RECEIVE
JAN 02 2014

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) CELIA C. &/OR CHARLES RAYMOND DRAPER Phone 208-834-2245
2. MAILING ADDRESS 24964 DRAPER LANE City GRAND VIEW
State IDAHO Zip 83624 Email oldmanrip@yahoo.com

WATER RESOURCES
WESTERN REGION

- N/A {
☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2-63 (move all) 2-7032 (move most) 2-10313 (move all)
RIGHTS TOTAL 4.64 CFS BUT MOVING 3.64 CFS TO DIFFERENT CANAL -- SEE ATTACHMENT

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

SUPPORT DATA
2-63

4. TOTAL AMOUNT OF WATER transferred is 3.64 cubic feet per second and/or IN FILE # acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.
☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5S	4E	34	10		NW	SW	OWYHEE	SNAKE RIVER	GRAND VIEW
									MUTUAL CANAL
5S	4E	34	9		SE	SW	OWYHEE	SNAKE RIVER	BYBEE CANAL

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

HEADGATE TO CANAL TO PUMP STATION, CAN MEET WATERMASTER REQUIREMENTS AS NEEDED

- b. Who owns the property at the point(s) of diversion? BYBEE CANAL COMPANY FOR PROPOSED CHANGE

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
CANAL COMPANY LETTER AUTHORIZES USE OF BYBEE CANAL AS PROPOSED

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐

☒

undergone a period of five or more consecutive years of non-use,

☐

☒

currently leased to the Water Supply Bank,

☐

☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐

☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Charles Raymond Draper Charles Raymond Draper 30 Dec 2013
Signature of applicant or authorized agent Print name and title if applicable Date

Celia C. Draper Celia C. Draper 30 Dec 2013
Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

✓ already paid

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments. Received by SR Date 1/2/2014
Fee paid \$740 Date 11/14/2013 Received by SR for MG Receipt # W041654
Preliminary review completed by NRD Date 1/14/2014

PER original: \$740 for 3.64 cfs (out of total 4.68 cfs of rights) ARE MOVING.

DRAPER – TRANSFER #78941 & APPLICATION FOR PERMIT ATTACHMENT

TRANSFER 78941 SUMMARY, OLD RIGHTS – NEED LETTER FROM BYBEE CANAL CO.

3 Snake River rights currently describe Grand View Mutual Canal point of diversion (POD) in NWSW.

Change POD for 2 entire rights and for most of 3rd right to Bybee Canal in SESW.

<u>Right Number</u>	<u>CFS stay at Grand View M.</u>	<u>CFS move to Bybee</u>	<u>TOTAL</u>
2-63	0	0.08 (4")	0.08 (4")
2-7032	1.00 (50")	3.40 (170")	4.40 (220")
2-10313	0	0.16 (8")	0.16 (8")
TOTAL	1.00 (50")	3.64 (182")	4.64 (232")

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Rights total 4.64 cfs but amount of change is 3.64 cfs, requires \$740 fee.

Paid \$820 in original filing. Apply \$80 overpayment to another application for a new right.

APPLICATION FOR PERMIT, NEW RIGHT – NEED LETTER FROM GRAND VIEW MUTUAL CANAL CO.

The new right will use Grand View Mutual Canal to provide more water to the 2-7032 acres with one exception as follows.

2-7032 includes 4.40 cfs for 278 acres. No other Snake River rights cover those acres. Those acres can have more river water:

$$\frac{4.40 \text{ cfs}}{278 \text{ acres}} = 0.01583 \text{ cfs/acre}$$

$$0.02 \text{ cfs/acre} - 0.01583 \text{ cfs/acre} = 0.00417 \text{ cfs/acre to get } 0.02 \text{ cfs/acre (1" per acre).}$$

A new right limited to 200 acres should avoid Trust Water complications. The new right will cover 200 acres in the 278 acres place of use.

$$200 \text{ acres} \times 0.00417 \text{ cfs/acre} = 0.83 \text{ cfs for new right for 200 acres within 278 acres place of use.}$$

Application for Permit fee for 0.83 cfs is \$250, minus \$80 from excess fee in transfer, \$170 balance due.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-63

Current Owner: CELIA C DRAPER
CHARLES RAYMOND DRAPER
Priority Date: 3/15/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Total Diversion

Diversion Rate

0.08 CFS

0.08 CFS

Annual Volume

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L10(NW1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T05S R03E S27

NENE

3.00

T05S R03E S27

NWNE

1.00

Total Acres: 4

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E52 The rights listed below are limited to a total combined diversion rate of 14.55 cfs.
Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
3. F06 The following rights are diverted through point of diversion described above:
02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

Decreed Date: 6/15/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-7032

Current Owner: CHARLES RAYMOND DRAPER
CELIA C DRAPER
Priority Date: 3/28/1969
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Total Diversion

Diversion Rate

4.4 CFS

4.4 CFS

Annual Volume

1390 AF

1390 AF

Location of Point(s) of Diversion

SNAKE RIVER

OWYHEE County

L10(NW1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

Place of Use

IRRIGATION Within OWYHEE County

T05S R03E S22	NESE	24.00	T05S R03E S22	NWSE	38.00
T05S R03E S22	SWSE	39.00	T05S R03E S22	SESE	28.00
T05S R03E S27	NENE	25.00	T05S R03E S27	NWNE	39.00
T05S R03E S27	SWNE	26.00	T05S R03E S27	SENE	25.00
T05S R03E S27	NESE	34.00			

Total Acres: 278

Page _____ of _____

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 14.55 cfs.
Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. P29 This right is a combination of old Right Nos. 2-7032A & 2-7032B.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. F06 The following rights are diverted through point of diversion described above:
02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.

Decreed Date: 6/15/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-10313

Current Owner: CELIA C DRAPER
CHARLES RAYMOND DRAPER
Priority Date: 7/1/1969
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Diversion Rate

0.16 CFS

Annual Volume

Total Diversion

0.16 CFS

Location of Point(s) of Diversion

SNAKE RIVER

L10(NW1/4SW1/4)

Sec. 34, Twp 05S, Rge 04E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T05S R03E S27

SENE

3.00

T05S R03E S27

NWSW

4.00

T05S R03E S27

NESE

1.00

Total Acres: 8

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 14.55 cfs.
Combined Right Nos.: 02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
2. F06 The following rights are diverted through point of diversion described above:
02-02083, 02-02084, 02-02176A, 02-02176B, 02-04027, 02-02271, 02-02272, 02-02405A, 02-02405B, 02-07032, 02-00063, 2-10313.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 6/15/2009

28

27

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JAN 02 2014

WATER RESOURCES
WESTERN REGION

06S04E

33

34

EXISTING POD
ADDITIONAL POD
GRANDVIEW MUTUAL
- LEAVING 50 INCHES
IN GRANDVIEW
MUTUAL

BYBEE CANAL

~~Leaving~~ 182 inches
INTO THE BYBEE

- 2-63 ALL
- 2-10313 > TO BYBEE
- 2-7032 - north to BYBEE

06S04E

4

3

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NOV 14 2013

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Celia C. Draper and/or Charles Raymond Draper Phone 1-208-834-2245
2. MAILING ADDRESS 24964 Draper Lane City Grand View
State Idaho Zip 83624 Email oldmanrip@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2-63 2-7032 2-10313

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

* 4. TOTAL AMOUNT OF WATER transferred is 4.64 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
05S	04E	34	L10	NWSW			Owyhee	Snake River	Grand View Mutual Canal
05S	04E	34	9	SESW			Owyhee	Snake River	Bybee Lateral Canal

* SEE Attachment about split for 2 canals

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Headgate to canal to pump station

- b. Who owns the property at the point(s) of diversion? Bureau of Reclamation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Charles Raymond Draper
Signature of applicant or authorized agent

Charles Raymond Draper
Print name and title if applicable

14 November 2013
Date

Celia C. Draper
Signature of applicant or authorized agent

Celia C. Draper
Print name and title if applicable

14 November 2013
Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by UG

Date 11/14/13

Fee paid 820- Date 11/14/13

Received by UG

Receipt # W0411654

Preliminary review completed by _____

Date _____

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, February 04, 2014 12:11 PM
To: Knowles, Corbin
Subject: (3) Applications for Transfer
Attachments: 1 Watermaster Recommendation Form.docx; Application 78382.pdf; Application 78383.pdf; Application 78941.pdf

February 4, 2014

CORBIN KNOWLES
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No's: 78382, 78383, 78941

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office within 21 days.

The protest deadline for any interested party is February 24, 2014. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Sommer
Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, January 29, 2014 6:12 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Evening Jennifer Stutheit,

Please see the attached ad for publication on 2/5/2014 & 2/12/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

January 29, 2014

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Transfer No's: 78382, 78383, 78941
Application for Permit No's: 55-13912, 2-10499, 2-10500

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. **Please send the affidavit and bill to this office before 2/24/2014.** Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

2-10499

BLACKSTOCK FAMILY LTD PARTNERSHIP

6754 OPALINE RD

MELBA, ID 83641-4217

Point of Diversion L4(SWSE) S26 T02N R04W OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 2.98 CFS

Total Diversion: 2.98 CFS

Date Filed: 12/17/2013

Place of Use: IRRIGATION

T01N R04W S2 L3(NENW)

T01N R04W S3 L1(NENE) L2(NWNE) SWNE SENE

Total Acres: 149

2-10500

BLACKSTOCK FAMILY LTD PARTNERSHIP

6754 OPALINE RD

MELBA, ID 83641-4217

Point of Diversion L4(SWSE) S26 T02N R04W OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to 11/15 0.62 CFS

Total Diversion: 0.62 CFS

Date Filed: 12/17/2013

Place of Use: IRRIGATION

T02N R04W S34 NENE NESE NWSE

Total Acres: 31

55-13912

ANITA L GLUCH

THOMAS R GLUCH

PO BOX 257

JORDAN VALLEY, OR 97910

Point of Diversion SWSE S14 T06S R06W OWYHEE County Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 4.7 CFS

Total Diversion: 4.7 CFS

Date Filed: 2/27/2013

Place Of Use: IRRIGATION

T06S R06W S13 NWSW

T06S R06W S14 NWNE SWNE SENE NENW SENW SE(ALL)

T06S R06W S23 NENE NWNE SWNE

Total Acres: 236

PROPOSED CHANGE OF WATER RIGHTS

Chris and Catherine Unruh of 25289 Hipwell Lane, Grandview, ID 83624, filed Application Nos. 78382 and 78383 to transfer two water rights with 1962 and 1967 priority dates from the Snake River totaling 3.28 cfs and 787.5 afa. The purpose of the transfer is to change the points of diversion pursuant to a request by the Bybee Canal Co., to a point 0.4 miles south of the current points of diversion. Water will be used at the current place of use approximately 1 mile south of Grandview.

Celia C. & Charles Raymond Draper of 24964 Draper Lane, Grand View, ID 83624 filed Application No. 78941 to transfer a portion of three water rights with 1969 to 1970 priority dates from the Snake River currently diverted near C.J. Strike Dam at the Grand View Mutual Canal (GVMC) diversion. The purpose of the transfer is to move 3.64 cfs (182 inches) from the GVMC diversion to the nearby Bybee Canal Co. diversion. The remainder of the authorized rate under the three rights, 1.00 cfs (50 inches), will remain diverted at the GVMC diversion.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/5/2014 and 2/12/2014

CONVERSATION MEMO

FROM: Steve Lester 
DATE: January 7, 2014
RE: Application for Transfer 78941, Draper

Celia Draper called today (208-834-2245). Discussed these points:

- Filing new application for permit – delayed somewhat while Grand View Mutual Canal Co. works out some ditch loss issues. Hopes can get letter from company after that to support a new Draper application for permit to use that canal.
- There is no deadline for filing a new application.
- Agreed to hold their overpayment from transfer application and check with them soon to see how they want to proceed – keep holding overpayment or issue refund.
- Told her we would need to advertise transfer application after all, despite earlier thoughts that legal notices would not be needed. Discussed that procedure and how we notify them of final results of application process.

CALL UP TRANSFER 3/15/2014

Refund overpayment?

Hold overpayment to see if can get new application filed soon?

2 January 2014

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JAN 02 2014

WATER RESOURCES
WESTERN REGION

Attention: Steve Lester
Water Rights Supervisor

from: Charles Raymond Draper
Celia C. Draper

24964 Draper Lane
Grand View, Idaho 83624
phone: 834-2745

**Bybee Canal Company
(Bybee Lateral Water Users Association)**

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JAN 02 2014

**WATER RESOURCES
WESTERN REGION**

28 December 2013

**Darrel Agenbroad
President
Bybee Canal Company (Bybee Lateral Water Users Association)
27161 Dairy Road
Grand View, Idaho 83624**

To Idaho Department Water Resources

**Bybee Canal Company authorizes use of Bybee Canal as proposed by the applicants
Charles Raymond Draper and/or Celia C. Draper
24964 Draper Lane
Grand View, Idaho 83624**

**Bybee Canal Company (Bybee Lateral Water Users Association) point of diversion and
existing canal is available for a portion, 182 inches, of these water rights
2-63 for 0.08 cfs (4")
2-7032 for 4.40 cfs (220") (50" of this water right to remain in Grand View Mutual Canal)
2-10313 for cfs (8")**

Respectfully,



**Darrel Agenbroad
President
Bybee Canal Company (Bybee Lateral Water Users Association)**



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

December 19, 2013

CELIA & CHARLES DRAPER
24964 DRAPER LN
GRAND VIEW ID 83624

Re: Amended Application for Transfer No. 78941 and Application for Permit

Dear Mr. and Mrs. Draper:

Based on your recent office visit, please find the enclosed information for your consideration. This includes a draft amended transfer application and a draft application for permit to seek more water for most of your land. Please review the applications to make sure they are correct. One signature per application is needed if they are correct. The application for permit requires an additional \$170 payment that will be added to the \$80 overpayment in the original transfer application.

Transfer Application 78941

The transfer application covers a scenario that does not neatly fit either the short form (enclosed) or the more traditional longer form. After consulting with other staff, we determined it seems appropriate to use the short form with an explanatory attachment for a "hybrid application form" to cover your needs.

The Bybee Canal point of diversion ownership is listed under the canal name to avoid unnecessary complications regarding the Bureau of Reclamation. A letter from that canal company agreeing to the transfer application is sufficient to address ownership information.

Application for Permit for more water

This application proposes using the Grand View Mutual Canal for more water to the 278 acres listed in right 2-7032. As you will notice, the draft application limits use to 200 acres each year within the 278 acres boundary. A letter will be needed from the canal company to support your application

This limit is due to the Trust Water requirements. The Idaho Department of Water Resources (IDWR) Water Appropriation Rules approved by the Idaho Legislature allow up to 200 acres of new irrigation without typical Trust Water complications. Therefore, the maximum amount for the proposed new right would be 0.83 cfs (41.5 inches). If approved, you could use the water on any 200 acres within the 278 acres boundary each year (rotation etc.).

However, if you want the extra water for all 278 acres each year, processing will be more complex. First, the maximum additional water for 278 acres would be 1.16 cfs (58 inches), requiring an additional \$210 instead of \$170. Second, the

Celia & Charles Draper
December 19, 2013
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application form would need to be revised, including a new attachment outlining the details. Third and most complicated, you would need to provide credible information that using 1.16 cfs for 278 acres would not reduce Snake River flows at the Murphy Gage near Swan Falls more than 2 acre-feet per day. That would require some type of technical analysis, which is why I included a consultant list if you want to use this more difficult option.

During your visit, we discussed a possible protest by Idaho Power for your application for permit. This is an additional factor previously not routinely encountered in Trust Water processing. Whether that factor presents major hurdles for a new approval remains to be seen as we discussed. I imagine the possible protest would be more rigorous if you decided to seek 1.16 cfs for 278 acres instead of 0.83 cfs for 200 acres.

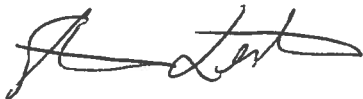
If the draft applications look acceptable to you, please sign near the bottom of the second page. Send the completed applications to my attention along with the additional \$170 check payable to IDWR.

The blank forms can be used if either application needs to be corrected or otherwise changed. Please remember the higher fee if you decide to seek 1.16 cfs for a new water right.

Please submit an amended transfer application within the next thirty (30) days to avoid rejection of the original transfer application. The filing fee for a rejected application cannot be refunded. You may seek additional time in this regard within the next thirty (30) days if you prefer.

The application for permit can be filed anytime at your convenience. Please contact me at 208-334-2190 if you have any questions about anything. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Draft applications for transfer and for permit
Consultant list

Lester, Steve

From: Lester, Steve on behalf of Western Info
Sent: Tuesday, December 10, 2013 3:13 PM
To: 'oldmanrip@yahoo.com'
Subject: Application for Transfer, Bybee Canal

Mr. & Mrs. Draper:

After your call today, I took another look at your application. I realized I mistakenly said today that the wrong application form was used – please disregard that, I was mixing it up with something else.

We can fix your application 1 of 2 ways, whichever you prefer.

#1 – keep your appointment to visit here this Friday at 11:00 to make the necessary changes.

#2 – or, send an email or regular letter to identify the following as mentioned in my prior email, include something like this, “Add this attachment to our application to clarify how much water will be moved to the Bybee Canal” :

- Cfs in 2-63 to move to Bybee Canal,
- Cfs in 2-7032 to move to Bybee Canal
- Cfs in 2-10313 to move to Bybee Canal.

Need specific amount of each right to change to Bybee Canal instead of “roughly so many inches.”

Balance of each right will remain at “Idaho Power Canal” diversion point that is currently listed on the rights.

Also, will need a letter signed by an officer/director of Bybee Canal Company to approve using their canal for portions of your rights.

If you plan to use #2, please let me know so I can cancel the appointment for this Friday. Thank you and please call if you need more information.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)

Lester, Steve

From: Lester, Steve on behalf of Western Info
Sent: Monday, November 25, 2013 10:30 AM
To: 'oldmanrip@yahoo.com'
Subject: Application for Transfer, Bybee Canal

Mr. & Mrs. Draper:

This office received your application to move portions of your irrigation rights upstream to the Bybee Canal. Although ownership of the rights is not changing, approval of the application will result in new water right numbers for portions of those rights being moved to a separate diversion system.

Please send the following information to allow the application to be processed. Your reply within thirty (30) days is necessary to keep the application in good standing and to avoid the application being voided. Refunds are not issued for voided applications. Please contact me within 30 days if you need more time for this.

Information Needed

1) For each right, identify the amount of water you want to move to the Bybee. The rights include:

2-63 for 0.08 cfs (4")

2-7032 for 4.40 cfs (220")

2-10313 for 0.16 cfs (8")

(Total = 4.64 or 232" not 50 + 185 = 235" noted on your map).

2) Letter from Bybee Canal Company (correct name?) authorizing use of the canal for portions of your rights.

Please let me know if you need more information. If you reply by email, please put "Attn Steve Lester" in the subject line.

Thank you,

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)

*12/2/13 call, Asked for more time, said c 2/1/2014 would be good.
↑ ok ✓ -SL*

REQUEST FOR INFORMATION